

New Mexico Taxation & Revenue Department - Motor Vehicle Division  
**AFFIDAVIT FOR IGNITION INTERLOCK LICENSE**



**AFFIDAVIT OF** \_\_\_\_\_

(Printed Name of Applicant)

STATE OF NEW MEXICO )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_, being first duly sworn, state upon oath:

1. I am \_\_\_\_\_ years of age. My date of birth is \_\_\_\_\_.  
mm/dd/yyyy
2. I have applied for an ignition interlock license.
3. I acknowledge that any vehicle I operate must be equipped with an ignition interlock device.
4. I acknowledge that if I drive a vehicle without an ignition interlock device I am subject to the provisions for driving with a revoked license. Those sanctions include, but are not limited to:
  - a. a minimum of seven consecutive days in jail up to 364 days in jail;
  - b. fine of up to \$1,000.00;
  - c. immobilization of the motor vehicle;
  - d. additional license revocation action.
5. I acknowledge that I must maintain the ignition interlock device, including:
  - a. keeping the maintenance records up-to-date;
  - b. having the required service and calibration done;
  - c. having the log book of the maintenance records in the motor vehicle;
  - d. having the ignition interlock device and license for a minimum of six (6) consecutive months with no break in driving status.
6. I acknowledge that I will provide the maintenance records upon request.

Applicant Full Name Printed/Typed	Applicant Signature	Date
State of New Mexico		
County of _____		
Acknowledgement: On the _____ day of _____ (month) of _____, the above named person, either personally known to me or identified through satisfactory evidence, appeared to me and indicated that he/she signed the foregoing document voluntarily for the purposes herein.		
_____ Signature of Notarial Official	Place Notary Seal or Stamp Here	
My Commission Expires _____		

THE FOLLOWING PAGES CONTAIN FREQUENTLY ASKED DWI QUESTIONS

# Chapter 13 Section H

## Section H: DWI Unit Frequently Asked Questions (FAQs)

Revised October 8, 2015

The most common misconception is that the criminal and civil actions are the same. Every DWI has two sides: the civil side, which is the Motor Vehicle Division administrative action and the criminal conviction which is through the courts.

In our administrative hearing, the law enforcement officer has only four points to prove:

1. that the law enforcement officer had reasonable grounds to believe the driver was driving a motor vehicle while under the influence of intoxicating liquor;
2. whether the person was arrested;
3. whether the administrative hearing was held no later than 90 days after the notice of revocation; and that
4. either: a) the person refused to submit to the test upon request of the law enforcement officer; or b) a chemical test was administered and the test results indicated an alcohol concentration of .08 or more for a person 21 years of age or older, .04 or more if the person is a Commercial Driver License holder or .02 or more if the person is less than 21 years of age.

By statute (Sections 66-8-107 through 66-8-112 and 66-5-29 NMSA 1978), all of this information is available for review.

### How long is the DWI license revocation period?

Effective June 17, 2005:

#### Implied Consent

- Adult Refusal – One year
- Adult 1st Offense – Six months
- Adult 2nd and Subsequent Offense – One year
- Juvenile – One year

#### Criminal

- 1st Offense – One year
- 2nd Offense – Two years
- 3rd Offense – Three years
- 4th and Subsequent Offense – Lifetime

### What do I need to do to reinstate my driver's license once my revocation period is over?

Per New Mexico state statute 66-5-33.1 B 4 NMSA 1978, the driver must have “a minimum of six months of driving with an ignition interlock license with no attempts to circumvent or tamper with the ignition interlock device”. The New Mexico Motor Vehicle Division interprets this to mean a consecutive six months with no break in service or license status. After the interlock license is issued, if a failure to appear in court violation, a parental responsibility violation, an unpaid citation violation or any other offense that would invalidate the driving privileges is placed on the driving record, the six month period would restart again on the date the driving privileges are restored.

You will need to provide proof of your identity, pay a \$102 reinstatement fee, and take the written and road exams, if you have been revoked for more than a five year period.

If you were under a five-year or a 10-year denial period, you must petition a district court in your county of residence to restore your driving privileges. A Restoration Packet will be provided by any local MVD office along with a copy of your driving history. Exception: Per PQU#22 MVD field offices may not provide restoration packets to residents of Bernalillo County. The Bernalillo County restoration packet is available only from the Second Judicial District Court at 400 Lomas NW in Albuquerque.

If you are under a current lifetime revocation, you are eligible to apply to a district court for removal of the ignition interlock device requirement and restoration of the license five years from the date of conviction and every five years thereafter.

Anyone on revocation for a DWI offense is eligible to apply for and receive an Ignition Interlock License upon providing proof of insurance and the installation of an Ignition Interlock Device in any car the individual drives.

**What happens if I downgrade to an ID from an Interlock License?**

You will lose the time already accrued on the interlock license and interlock device and will be required to start the consecutive six month period again once you have upgraded back to an interlock license.

**What if I want to dispute the DWI citation because I believe someone else used my identity information?**

Only the court or the law enforcement officer who wrote the citation can recall or dismiss a citation for identity theft. A letter written on department letterhead will need to be provided indicating the name, social security number, date of birth, license number, and citation number and the reason for the dismissal. In addition, provide the name and information on the correct offender, if available.

**Is there a way that I can get a copy of my DWI citations, because I believe that the number of convictions on my record is incorrect?**

Yes. You can mail a letter indicating that you would like a document review, with your personal information, to New Mexico Motor Vehicle Division, P.O. Box 1028, Santa Fe, NM 87504-1028 Attn: Document Review. There is no fee for this request.

**This is my third offense, but when I went to court the judge reduced it to my second offense. Why am I still under revocation for a three-year period?**

The Motor Vehicle Division does not consider a reduction in offense by the court when a revocation period is determined. MVD looks at the number of convictions on your record and adjusts the revocation period based on the new conviction.

**The Judge said that he would defer the DWI and dismiss it once I completed a predetermined probationary period. Why is the DWI still on my record, and why am I revoked?**

In the State of New Mexico, a Judge cannot defer to dismiss a DWI once the driver enters a plea of guilty or nolo contendere, or if there is a finding of guilt by the court. By statute (Section 66-1-4.3(N) (A) NMSA 1978) a DWI conviction means “a finding of guilty in a trial court” (Section 66-1-4.3 (N) (B) NMSA 1978) a DWI conviction means “a plea of guilty or nolo contendere accepted by the court”. Conviction was so defined specifically to prevent a dismissal (subsequent to a deferred sentence) from erasing a DWI.

**Do I still have to pay a reinstatement fee if I've moved out of New Mexico or I am no longer a resident?**

Yes. The fee is assessed as part of the fine for a DWI citation, and is required to completely clear the driver's record after a revocation period has expired. Along with the fee, proof of residency is required.

**If I paid fines through the court, why do I have to pay MVD?**

The criminal and civil actions are completely different. Some fines are associated with conviction actions, and other fines are associated with Implied Consent/Administrative actions.

**I reinstated after the administrative action, but before the criminal conviction was posted to my record. Can I get a refund for the \$102?**

No. You must wait until you are eligible to reinstate, and then apply for your driver's license again and pay the reinstatement fee. The clerk at the field office cannot see future dates or postings, and can only see what is posted to the record. If the conviction has not been sent by the court, it will not be available on the driving history until it is received and recorded.

**How do I request a MVD administrative hearing for the revocation based on my arrest?**

A Request for Hearing form (MVD-10792) is available from any MVD office and on the Internet - or you may simply submit a letter requesting a hearing. Include a copy of the citation or notice of revocation; information such as the driver's name, date of birth and social security number; and (unless you can provide a letter of indigence) a \$25 check or money order. Indicate that you are contesting the administrative revocation of your license. This request must be postmarked or hand delivered to MVD's Central Administration office in the Joseph M. Montoya Building at 1100 South St. Francis Drive in Santa Fe, NM within 10 days of being served the Notice of Revocation. If the request for hearing is not complete, you will receive a denial letter. You may appeal the denial of a request for hearing to a district court.

**Can I drive while I am awaiting the administrative hearing?**

Yes. Unless you have any other conditions of suspension on your driving record, you will have driving privileges pending the outcome of the hearing.

**How long does a DWI stay on my record?**

A DWI will stay on the driving record according to the date the citation was issued:

A DWI issued on:

Will remain on the driver's record for:

- |                                      |          |
|--------------------------------------|----------|
| • 1953 through June 30, 1961         | 5 years  |
| • July 1, 1961 through June 30, 1969 | Lifetime |
| • July 1, 1961 through June 30, 1975 | 5 years  |
| • July 1, 1975 through June 30, 1990 | Lifetime |
| • July 1, 1990 through June 16, 2005 | 25 years |
| • June 17, 2005 through present      | 55 years |

Any additional questions please contact the DWI Compliance Unit at the following numbers:

505-476-3173

505-476-3446

505-476-3608

505-476-3229